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EX PARTE OR LATE FILED

June 10, 1998

VIA HAND DELIVERY

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554

Re: Ex Parte Submission in CC Docket No. 97-231; CC Docket No. 97-208

Dear Ms. Salas:

On June 10, 1998, MCI submitted the attached cover letter and section of the transcript from the administrative session of the Georgia Public Service Commission, dated June 2, 1998, to Joe Welch of the Common Carrier Bureau.

Two copies of this Notice are being submitted to the Secretary of the FCC in accordance with Section 1.1206(a)(2) of the Commission's rules.

Sincerely,

Karen T. Reidy

Attachment

cc: Joe Welch



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VIA HAND DELIVERY

Joe Welch, Esq.
Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W., Room 541-A
Washington, D.C. 20554

Dear Joe:

Attached is the section of the transcript of the June 2, 1998 administrative session of Georgia Public Service Commission regarding: (i) MCI's motion to modify the Commission's Procedural and Scheduling Order by the Staff; (ii) BellSouth's SGAT; and (iii) BellSouth's 271 application.

Please note on page 13, in regards to filing its 271 application with the FCC, Vice Chairman Baker cautioned BellSouth that "it would be prudent and certainly make their application stronger if they were to wait until the Commission has fully reviewed the record..." The staff does not expect to have a recommendation on the 271 filing until, at the very earliest, the July 16th administrative session (page 19).

Please feel free to call with any questions.

Sincerely,

Karen T. Reidy

Attachment

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION

ADMINISTRATIVE SESSION

Hearing Room
47 Trinity Street
Atlanta, Georgia

Tuesday, June 2, 1998

The administrative session was called to order at
10:02 a.m., pursuant to Notice.

PRESENT WERE:

ROBERT BAKER, Chairman
DAVID BAKER, Vice Chairman
BOB DURDEN, Commissioner
STAN WISE, Commissioner

1 approval of a six month extension for permissive dialing for
2 these companies named.

3 CHAIRMAN R. BAKER: Any questions for Mr. Peters
4 regarding this item?

5 (No response)

6 CHAIRMAN R. BAKER: Any objection to approving
7 Staff's recommendation?

8 (No response)

9 CHAIRMAN R. BAKER: Seeing or hearing no
10 objections, it is approved unanimously by the Commission.

11 (Commissioners D. Baker, R. Baker, R. Durden, and
12 S. Wise present and voting.)

13 MR. PETERS: Thank you.

14 CHAIRMAN R. BAKER: Thank you, Mr. Peters.

15 Item R-5.

16 MR. SEWELL: Item R-5 is Docket Number 6863-U.
17 It is BellSouth Telecommunications, Incorporated, entry into
18 interLATA services. This is consideration of the motion by
19 MCI to modify the Commission's Procedural and Scheduling
20 Order by the Staff.

21 In MCI's motion MCI states that, one, that the
22 current schedule and procedure fail to provide for a means
23 to consider the many issues critical to local competition
24 that remain for the Commission to resolve and the action
25 BellSouth Telecommunications will be required to undertake

1 before a valid Section 271 application could be filed. Two,
2 when BellSouth files its 30 day notice of intention to
3 submit a Section 271 application, current and updated
4 evidence must be considered by the Commission in order to
5 allow it to properly fulfil its consultative role on a
6 Section 271, and three, when BellSouth files its 30 day
7 notice with this Commission to allow a meaningful review,
8 such notice must be accompanied by a full copy of the
9 application BellSouth intends to file with the FCC. In the
10 conclusion part of their motion, MCI respectfully submits to
11 the Commission the procedural and scheduling order be
12 modified as follows:

13 One, to require that BellSouth file a copy of its
14 completed Section 271 application with its expected 30 day
15 notice to this Commission. Two, establish an implementation
16 docket to oversee issues arising out of the implementation
17 of interconnection agreements between BellSouth and the
18 CLECs, including but not limited to OSS issues, to ensure
19 that the meaningful interconnection agreements are being
20 implemented as required for the purposes of meeting the
21 requirements of Section 271 of the Act. Three, provide for
22 an evidentiary hearing with special expedited procedures for
23 prefiling testimony upon the filing of BellSouth's expected
24 30 day notice. Four, take immediate steps to initiate
25 and/or complete the issues and dockets set forth in Section

1 IV of the filing, and five, establish a collaborative
2 process for the industry to address methods for defining and
3 resolving the obstacles related to provisioning of UNEs and
4 UNE combinations.

5 The Staff has reviewed MCI's motion and the Staff
6 would recommend that the Commission deny the motion in its
7 entirety.

8 CHAIRMAN R. BAKER: Does anyone have any questions
9 for Mr. Sewell regarding this item?

10 VICE CHAIRMAN D. BAKER: A comment, if I may. I
11 think that MCI raises some very valid issues in their brief.
12 Having -- and I want to make it clear that if we support the
13 Staff's recommendation to deny this motion that it does
14 not -- that it would not eliminate a lot of points that MCI
15 raises in their brief, or for that matter, wouldn't
16 necessarily be a rejection of those points in the MCI brief.
17 We have, by order, a requirement on BellSouth that they give
18 us at least a 30 day notice before filing their 271
19 application with the FCC. And if in making these comments I
20 jump back and forth between certain things related to the
21 SGAT docket and certain things related to the 271 docket,
22 that's obviously because they go hand-in-hand and are very
23 closely related.

24 I just want everybody to understand, there is no
25 30 day clock that's ticking. We are not under a deadline to

1 approve Bell's -- to approve or disapprove Bell's 271 filing
2 within 30 days of their notice of intent that they've filed
3 with us -- It was last Thursday, the 27th, I believe. So
4 this, you know, after that 30 day period has expired,
5 BellSouth can do what they want. I think it would be
6 prudent and certainly make their application stronger if
7 they were to wait until the Commission has fully reviewed
8 the record in that case and is able to make a recommendation
9 to the FCC, but I want to just sort of put everyone's mind
10 at ease. They filed a notice of intent last week and
11 everyone thought that -- or a lot of folks left the
12 impression that we were sort of under a deadline, and I
13 don't think that we are. Obviously, the Commission should
14 act with -- not dilly-dally, but I think we have all been
15 working very hard -- Staff certainly -- in addressing the
16 issues in this docket. So I just wanted to throw out that
17 consideration.

18 I do also want to make an observation that Bell
19 Atlantic in New York, I note, did submit to their commission
20 there a prefiled statement which purports to be the complete
21 application that they are going to make with the FCC. I
22 don't know that we necessarily need to require BellSouth to
23 do that here. Again, that's one of those things that --
24 let's just say the more closely that their submissions to us
25 reflect their ultimate submissions to the FCC, the more

1 accurately we will be able to comment on their FCC
 2 application. And suffice it to say, if there is something
 3 in BellSouth's ultimate FCC application that has not been
 4 presented to this Commission, then this Commission obviously
 5 would not be able to comment on it and accordingly would not
 6 be able to grant any approval or recommendation in favor of
 7 it. So I think that they -- Even if we don't formally
 8 require BellSouth to, quote/unquote, prefile with us here,
 9 obviously, the more complete the record is here, and the
 10 more that it resembles, the more closely that it tracks
 11 their ultimate federal filing, the more help or the more
 12 accurately this Commission would be able to comment on the
 13 federal filing. Thank you.

14 CHAIRMAN R. BAKER: Thank you, Commissioner Baker.

15 Does anyone else have any questions or comments
 16 for the record?

17 (No response)

18 CHAIRMAN R. BAKER: All right. Is there any
 19 objection to approving Staff's recommendation in Docket
 20 Number 6863-U, consideration of a motion by MCI to modify
 21 the Commission's procedural and scheduling order?

22 (No response)

23 CHAIRMAN R. BAKER: Seeing or hearing no
 24 objection, it is approved unanimously by the Commission.

25 (Commissioners D. Baker, R. Baker, R. Durden, and

1 S. Wise present and voting.)

2 CHAIRMAN R. BAKER: We'll move to Item R-6, and
3 we'll take each of these items up separately.

4 MR. SEWELL: R-6 is Docket Number 7253-U. It is
5 BellSouth Telecommunications SGAT, and it also includes 6863
- 6 and the 271 filing as well.

7 The first item is item (a), consideration of Staff
8 proposal to take notice of relevant new material and to
9 disregard any material not relevant in the parties' Appendix
10 A filings. The Staff proposes that -- The Commission Staff
11 proposes that the Commission take administrative notice of
12 any relevant new material submitted by the parties in the
13 Appendix A filing submitted in this docket on May 22, 1998.
14 The Commission Staff is concerned that some of the materials
15 submitted by the parties in the Appendix A filing may not be
16 relevant. Given the volume of materials submitted and the
17 short time frame for conducting a review of BellSouth's
18 Revised Statement of Generally Available Terms and
19 Conditions, the Staff recommends that the Commission
20 disregard any material that is found to be not relevant
21 within the Appendix A filing. To do otherwise would be
22 burdensome to the Commission and the Staff and inefficient
23 for an administrative process.

24 If the parties have an objection to this proposal,
25 the Staff requests that such objections be filed within five

1 days or by Thursday, June 4th. That should also be the date
2 for any party to submit revised Appendix A filings that are
3 limited only to relevant materials, or for any party to file
4 pleadings identifying the portions of other parties'
5 Appendix A filings they believe to not be relevant, along
6 with support of their position. The Staff will subsequently
7 develop a recommendation for the Commission regarding the
8 scope of relevant material in the Appendix A filing in this
9 docket, and we ask the Commission approve such a notice
10 being sent out putting the companies on alert about Appendix
11 A, and if the Commission has any questions, I'm prepared to
12 answer those questions about the Appendix A notice.

13 CHAIRMAN R. BAKER: Okay. You've heard Staff's
14 recommendation from Mr. Sewell. Are there any questions for
15 Mr. Sewell regarding this matter?

16 VICE CHAIRMAN D. BAKER: I do have a question.
17 Mr. Sewell, let me ask you, though, how best to proceed. I
18 realize in this docket we're dealing with just the revised
19 SGAT, but even within that context we are dealing with
20 issues that we began to look at well over a year ago, and
21 again, ultimately moving toward the 271 application, we have
22 to consider not only the revised SGAT but all the other
23 pieces of the puzzle that go in to making the complete
24 picture -- resale discount, UNE pricing, performance
25 measurements, which order we just issued four weeks ago,

1 OSS, which order may be signed today but is still new, and
2 again, this revised SGAT that we are still contemplating
3 which is still pending.

4 I guess my question to you is, I understand your
5 desire for purposes of administrative efficiency to limit
6 the amount of comments that we need to consider, so it's
7 sort of tapering down so we can get to an ultimate decision,
8 but when some of these dockets were initially decided, as
9 much as a year or a year and a half ago, and all that
10 arbitration is being -- those dockets go into that picture.

11 MR. SEWELL: Right.

12 VICE CHAIRMAN D. BAKER: Do we need some sort of
13 process to sort of refresh them, just see if there is any
14 changed circumstances -- and OSS comes to mind particularly
15 since that is such a developmental thing. It changes
16 literally week-to-week and month-to-month. I'm not
17 disagreeing with the recommendation you're making, I'm just
18 playing devil's advocate for a minute.

19 MR. SEWELL: Let me see if I can put it this way.
20 When we came up with the Appendix A we were hoping to get
21 any new material that may be relevant to this case at all,
22 be it with 7253 or any other docket surrounding this. We
23 say if you have something new that needs to be addressed or
24 there is some concern, let's put it in Appendix A, but let's
25 not recap the things we already have records of, that

1 they've already testified in the hearing, and that was the
2 purpose of Appendix A to allow that because we were not
3 going to allow that in the 271 filing. Any other material
4 that relates to anything that they've filed in the past or
5 that has already been made a part of the record can be filed
6 with 6863, and that's what we are saying here. We're
7 saying, hey, BellSouth, we took a look at your Appendix A,
8 there are several things in there that, yes, we do need to
9 consider for the SGAT, but the majority of that can be filed
10 with 6863 and should be considered with the 271, not with
11 the SGAT, that was the wrong place to put that. That's what
12 the Staff believes. The Staff did review -- and we believe
13 the only thing BellSouth really needs to contain in their
14 Appendix A filing for the SGAT is the Miller's affidavit,
15 Varner's affidavit, and the OSS issues. Those are the only
16 things that need to be. We feel the rest of that stuff
17 should be moved to the 6863. So 6863 is still an avenue
18 open to talk about things we've already talked about that
19 are part of the record. If they want to recapture that or
20 update that, that's fine, but anything completely new should
21 be in that Appendix A, and that's all we're saying, not just
22 for BellSouth but any other parties as well. Since
23 BellSouth was so thick, we did immediately take a look at
24 that and came with that recommendation. So BellSouth can
25 either voluntarily move that information or if the

1 Commission approves this notice and we get everything in
2 Thursday and we see that this has not been done, then the
3 Staff will bring back to the Commission, not only BellSouth,
4 but any other Appendix A filing on any other carriers on
5 what part we believe is not relevant for the SGAT
6 consideration.

7 VICE CHAIRMAN D. BAKER: Thank you.

8 COMMISSIONER WISE: Mr. Sewell, you have a plan of
9 action, a time frame, where we can in a reasonable fashion
10 make the decision?

11 MR. SEWELL: Yes -- Well, I really don't have a
12 time frame. I have one in my mind that I thought we should
13 work by, but BellSouth did present some type of schedule
14 that I did take a look at and those were the exact things
15 that were already in my mind anyway to keep Staff moving
16 forward. Within 30 days from receiving the SGAT filing, the
17 comments, we would try to get a recommendation before the
18 Commission. So we're going to try to get a recommendation
19 before this Commission on the SGAT by the next
20 administrative session this month, and then what we want to
21 also try to do is, 30 days from that day is bring back
22 another recommendation on the 271 filing. That is our hope
23 and that is what we are shooting for.

24 COMMISSIONER WISE: All right.

25 CHAIRMAN R. BAKER: Any other questions for Mr.

1 Sewell?

2 MR. SEWELL: The only thing else I would like to
3 make the Commission aware of, if the Commission does decide
4 to approve the notice going out and if we get some
5 substantial change from the 7253 Appendix A filing by
6 BellSouth and that is moved to 6863, then the Staff would
7 need to modify when the comments are due for the 271. We
8 currently have it due for June 8th, which is next Monday.
9 We will move that date from June 8th to June 15th. But
10 nothing else would change. That's just the date to get the
11 comments. Everything still is on track. We are not losing
12 sight of trying to get a recommendation for this Commission
13 on 7253 by the next administrative session this month and
14 trying to get a recommendation 30 days from that date in
15 July.

16 CHAIRMAN R. BAKER: All right, you've heard
17 Staff's recommendation for Item (a) to R-6. Is there any
18 other discussion or comments?

19 (No response)

20 CHAIRMAN R. BAKER: Any objection to approving
21 Staff's recommendation?

22 (No response)

23 CHAIRMAN R. BAKER: Seeing or hearing no
24 objection, it is approved unanimously by the Commission.

25 (Commissioners D. Baker, R. Baker, R. Durden, and

1 S. Wise present and voting.)

2 CHAIRMAN R. BAKER: We'll move to item subpart
3 (b) .

4 MR. SEWELL: Item (b) is consideration of the
5 Staff's request to deny the comments of those companies not
6 in compliance with the Georgia Public Service Commission
7 rules and regulations pertaining specifically to request for
8 data concerning local service indicated in the Commission's
9 CLEC ruling in docket 5778. This also has to do with the
10 late filing by parties as well.

11 Staff received AT&T Communications of the Southern
12 States filing late, and we also received ICG
13 Telecommunications filing late as well. The third one is
14 e.spire Communications, which was formerly known as ACSI.
15 Theirs was filed timely, but they were not in compliance
16 with Docket Number 5778-U, Staff Data Request Number 2, the
17 local service indicator. And so for those three companies
18 Staff was asking that the Commission deny their comments.
19 All three companies have filed motions asking that their
20 comments be allowed. I'm prepared to answer questions on
21 any of the three.

22 COMMISSIONER DURDEN: How late were they?

23 MR. SEWELL: AT&T came in, I think -- the time was
24 4:00 -- they made it just a few minutes after four. ICG,
25 the Staff did not receive that until the next day. So it

June 10, 1998

VIA HAND DELIVERY

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554

Re: Ex Parte Submission in CC Docket No. 97-231; CC Docket No. 97-208

Dear Ms. Salas:

On June 10, 1998, MCI submitted the attached *cover letter and* section of the transcript from the administrative session of the Georgia Public Service Commission, dated June 2, 1998, to Joe Welch of the Common Carrier Bureau.

Two copies of this Notice are being submitted to the Secretary of the FCC in accordance with Section 1.1206(a)(2) of the Commission's rules.

Sincerely,

Karen T. Reidy

Attachment

cc: Joe Welch